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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
A01381-US

First named inventor: Hormann, Robert Eugene

Application No.: 10/775,883

Art Unit: 1625

Filed: February 9, 2004

Examiner:

Title: Diacylhydrazine ligands for modulating the expression of exogenous genes in mammalian systems via an ecdysone receptor complex

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

 Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)).

## 2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of a Response to File Missing Parts (identify type of reply):  
 has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/10/2005 HAL111 00000006 502860 750.00 DA  
01 FC:2453

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Camille Jolly-Tornetta*  
\_\_\_\_\_  
Signature

March 8, 2005

Date

\_\_\_\_\_  
Camille Jolly-Tornetta, Ph.D  
Typed or printed name

48,592

Registration Number, if applicable

\_\_\_\_\_  
2650 Eisenhower Avenue  
Address

610/650-8734 x.104

Telephone Number

\_\_\_\_\_  
Norristown, PA 19403  
Address

Enclosures:  Fee Payment  
 Reply  
 Terminal Disclaimer Form  
 Additional sheets containing statements establishing unintentional delay  
 Other: Response to Notice of Abandonment; Copy of Notice of Abandonment; Return Receipt Postcard

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Bx 1450, Alexandria, VA 22313-1450.

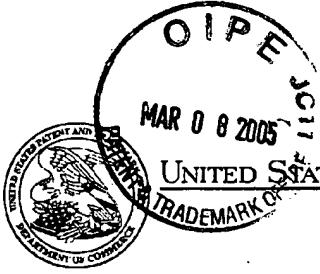
Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
March 8, 2005  
Date

*Camille Jolly-Tornetta*  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Camille Jolly-Tornetta, Ph.D  
Typed or printed name of person signing certificate

ER640858235US



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/775,883	02/09/2004	Hormann	A01381-US

## CONFIRMATION NO. 1883

ABANDONMENT/TERMINATION  
LETTER

\*OC000000015132284\*

Camille Jolly-Tornetta  
 RheoGene, Inc.  
 2650 Eisenhower Avenue  
 Norristown, PA 19403

Date Mailed: 02/08/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/25/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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*A copy of this notice **MUST** be returned with the reply.*

*48* *lwf*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No. A01381-US  
Applicant: Hormann *et al.*  
Serial No.: 10/775,883  
Filed: February 9, 2004  
Group Art Unit: 1625  
Customer No. 37978

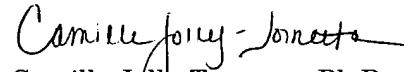
Mail Stop **PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

RESPONSE TO NOTICE OF ABANDONMENT

Sir:

In response to the Notice of Abandonment dated February 8, 2005, the undersigned Agent has enclosed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b). The Commissioner is authorized to charge the \$750.00 small entity fee due in accordance with 37 CFR § 1.17(m) to Deposit Account No. 502860. Please charge any additional fees due or credit any overpayment to Deposit Account No. 502860. A copy of the "Notice of Abandonment" is also enclosed.

Respectfully submitted,

  
Camille Jolly-Tornetta, Ph.D.  
Reg. No. 48,592

Tel. No. (610) 650-8734  
RheoGene, Inc.  
2650 Eisenhower Avenue  
Norristown, PA 19403

Date: March 8, 2005



CIPE  
MAR 08 2005  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/775,883	02/09/2004	Hormann	A01381-US

Camille Jolly-Tornetta  
RheoGene, Inc.  
2650 Eisenhower Avenue  
Norristown, PA 19403

CONFIRMATION NO. 1883  
FORMALITIES LETTER  
  
\*OC000000012774166\*

Date Mailed: 05/25/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

03/10/2005 HALI11 00000006 502860 10775883 FILED UNDER 37 CFR 1.53(b)

02 FC:2051 65.00 DA *Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

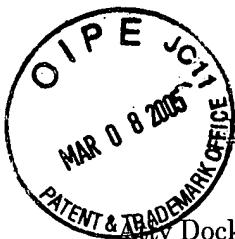
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*Alison*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Att'y Docket No. A01381-US  
Applicant: Hormann *et al.*  
Serial No.: 10/775,883  
Filed: February 9, 2004  
Group Art Unit: 1625  
Customer No. 37978

Mail Stop **MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts dated May 25, 2004, the undersigned Agent has enclosed a copy of a duly executed Declaration and Power of Attorney for the above-identified application. The Commissioner is authorized to charge the \$65.00 late fee to Deposit Account No. 502860. Please charge any additional fees due or credit any overpayment to Deposit Account No. 502860. A copy of the "Notice To File Missing Parts of Application" is also enclosed.

Respectfully submitted,

*Camille Jolly-Tornetta*  
Camille Jolly-Tornetta, Ph.D.  
Reg. No. 48,592

Tel. No. (610) 650-8734  
RheoGene, Inc.  
2650 Eisenhower Avenue  
Norristown, PA 19403

Date: March 8, 2005